

Claim 35. An investment machine for public use and display, the investment machine comprising:

a housing;

a display at least partially enclosed by the housing and viewable by an investor adjacent to the housing;

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an investor identifier at least partially enclosed within the housing and configured to receive a unique identifier from the investor;

at least one of a coin receiver and a bill receiver at least partially enclosed within the housing and configured to receive and identify money to be invested; and

a processor at least partially enclosed within the housing and configured to receive input from the investor indicative of the investor's current investment preferences and to transmit a signal representative of the input for use in investing at least a portion of the money in association with the unique identifier received from the investor.

REMARKS

Claims 1-17 and 32-44 are currently pending in the application. Applicants have amended claim 1 and request reconsideration of the application in light of the following remarks.

Telephone Interview

Applicant's attorney wishes to thank the Examiner for his courtesy and time during a telephone interview that was held on Tuesday, January 14, 2003. The Examiner's comments and insight were very helpful in preparing this response. Applicant's attorney discussed the Barton and Mori reference with the Examiner as well as the state of the art. While no

specific claim language was agreed upon on the phone, the Examiner indicated that he would call Applicant's attorney to discuss the claim language prior to issuing a final rejection. It is hoped that the comments below reflect the spirit of the interview.

Rejections under 35 U.S.C. §103

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

Claims 1-17, 32-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mori (U.S. Patent No. 6,070,148, hereinafter "Mori"), in light of Barton (U.S. Patent No. 6,164,533, hereinafter "Barton"). Applicants respectfully traverse this rejection and request reconsideration of the claims.

Discussion of Mori and Barton Generally

Mori discloses an ATM-like display which allows a customer to track and check transactions made previously. Mori does disclose an IC card used to identify the customer and store transaction information. As explained in Applicants previous response, the "money" transferred between accounts in Mori is not received or identified by the ATM, but is merely tracked by the IC on the card.

Barton discloses a "Point of Sale Automatic Savings Program Contribution System" which involves a cash register at a store, such as a grocery store. When a customer makes a purchase from the store through the check-out, the contribution system automatically takes either a percentage of the sale amount, or another amount in relation to the sale or a savings amount, and places an amount equal to that amount in a savings program for the investor. See Barton, col. 5, lines 2-16. The system of Barton is a behind-the-scenes system for a cash register which tracks sales transactions and makes predetermined, automatic credits to a savings program for the investor. The customer has no interaction with the system at the cash register, and by the time the customer gets to the cash register, the amount placed in the savings program and the type of savings program the amount is placed into is beyond the customer's control.

In relation to the Examiner's assertions that it would have been obvious to purchase securities through a system which accepts credit cards to combine Mori and Barton, Applicant notes that Applicant's research into this topic subsequent to the telephone conference with the Examiner indicates that the Securities and Exchange Commissions Rules prohibit margining a securities futures transaction for more than 50% of the purchase price. See 17 CFR 41. Accordingly, purchase of securities on credit, such as with a credit card or debit card would be prohibited, even through the Internet, as it would result in 100% of the purchase price being placed on credit. Applicant's unique investment machine which receives the investor's current investment preferences and cash, and invests the cash in accordance with the investor's current investment preferences is, therefore, not obvious in light of the teachings of Mori and Barton, alone or in combination.

Claims 1, 12 and 35

Claim 1, as amended, recites an investment machine for public use and display comprising housing, a display, an investor identifier, and a money receiver each at least partially enclosed within the housing of the investment machine, and a processor configured

to “receive input from the investor representative of the investor’s current preferences for investing the money and to transmit a signal representative of the input for use in investing the money” Neither Mori nor Barton, nor the combination of Mori and Barton teaches, discloses or suggests a system whereby an investor can select current investment preferences and invest money through a common machine which includes a housing, a display, an investor identifier, and a money receiver. The machine of Mori merely tracks other transactions, and Barton is a point of sale cash register with numerous separate components which merely tacks an additional amount to the transaction price based upon a predetermined formula. Neither involves a customer selecting current investment preferences. The interactive nature of the system of the present system is a significant advantage. Accordingly, Neither Mori nor Barton, alone or in combination teaches or suggests a machine which receives “input from the investor representative of the investor’s current preferences for investing the money and transmit[ing] a signal representative of the input for use in investing the money” as recited by Applicant’s claim 1.

Claim 12 recites a method of investing money comprising “receiving current investment preferences through the investment machine from the at least one person” and “investing at least a portion of the money on behalf of the at least one person in accordance with the current investment preferences.” Neither Mori nor Barton, alone or in combination, teaches or suggests a method of a customer selecting current investment preferences through an investment machine, or investing money in accordance with the current investment preferences.

Claim 35 recites an investment machine for public use and display comprising housing, a display, an investor identifier, and at least one of a coin receiver and a bill receiver each at least partially enclosed within the housing of the investment machine. The at least one of a coin receiver and a bill receiver configured to receive and identify money to be invested, the investment machine further comprising a processor configured to “receive input from the investor indicative of the investor’s current investment preferences and

transmit a signal representative of the input for use in investing at least a portion of the money in association with the unique identifier received from the investor.” Neither Mori nor Barton, alone or in combination, teaches or suggests an investment machine having a processor configured to receive a customer’s current investment preferences.

Accordingly, each of claims 1, 12 and 35 is allowable over the combination of Mori and Barton. Dependent claims 2-11, 13-14, and 36-44 are allowable, among other reasons, for depending from allowable claims 1, 12 and 35 respectively.

Claims 2 and 36

Claims 2 and 36 are allowable, among other reasons, for depending from allowable claims 1 and 35 respectively. Each of claims 2 and 36 also recite an “investment selector interface configured to receive an investment preference from the investor and transmit the investment preference to the processor.” For Barton, any changes to investment preferences is not accomplished through the cash register of Barton, but must be done separately. Barton tacks on an additional amount to a transaction price based upon a predetermined equation which is not received from the investor at the machine. Accordingly, the combination of Mori and Barton does not teach or suggest an investment machine comprising an investment selector interface which receives an investment preference from the investor at the investment machine.

Claims 3 and 37

Claims 3 and 37 are allowable, among other reasons, for depending from allowable claims 1 and 35 respectively.

Claims 4, 10 and 38

Claims 4, 10 and 38 are allowable, among other reasons, for depending from allowable claims 1 and 35 respectively. Furthermore, claims 4 and 38 each recite “wherein the

investment selector is configured to receive the investment preference from the investor at substantially the same time as the money receiver identifies the money to be invested.”

There is nothing in the disclosures of either Barton or Mori to teach or suggest receiving an investor preference from an investor *at substantially the same time* as the money receiver receives and identifies the money to be invested. For Mori, no money is received. For Barton, no investment preferences are received to invest any money received. Accordingly, neither Mori nor Barton, alone or in combination, make claims 4 or 38 obvious.

Claims 5-6 and 39-40

Claims 5-6 and 39-40 are allowable, among other reasons, for depending from allowable claims 1 and 35 respectively.

Claims 7-9 and 41-43

Claims 7-9 and 41-43 are allowable, among other reasons, for depending from allowable claims 1 and 35 respectively.

Claims 11 and 44

Claims 11 and 44 are allowable, among other reasons, for depending from allowable claims 1 and 35 respectively.

Claims 13 and 14

Claims 13 and 14 are allowable, among other reasons, for depending from allowable claims 1 and 35 respectively.

Claims 15, 32 and 34

Independent claim 15 recites “placing money to be invested into the investment machine; and selecting a current investment preference option at the investment machine.” Independent claim 32 also teaches “placing at least one of a coin and a bill to be invested

into the investment machine; and selecting a current investment preference option at the investment machine.” As discussed previously herein, neither Mori nor Barton, alone or in combination, teaches or suggests an investor selecting a *current investment preference option* at the investment machine in combination with placing money to be invested into the investment machine. The Barton point of sale transaction enhancement service makes deposits into accounts based upon predetermined calculations and preferences, not current preferences received from the investor at the time the money is received. Accordingly, independent claims 15 and 32 are allowable over the combined teachings of Mori and Barton. Dependent claim 34 is allowable for depending from allowable claim 32.

Claims 16 and 33

Dependent claims 16 and 33 are allowable, among other reasons, for depending from allowable claims 15 and 32 respectively.

Claim 17

Dependent claim 17 is allowable, among other reasons, for depending from allowable claim 15.

Applicants respectfully request that the obviousness rejections of claims 1-17 and 32-44 be withdrawn.

In summary, [and in view of the amendments herein,] none of the references cited by the Examiner nor any other known prior art, either alone or in combination, disclose the unique combination of features disclosed in Applicant's claims presently on file. For this reason, allowance of all of Applicants' claims is respectfully solicited.

Regarding Doctrine of Equivalents

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Applicant has requested a one month extension of time. A check in the amount of \$55 has been included herewith for this purpose.]

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claim 1. (Twice Amended) An investment machine for public use and display, the investment machine comprising:

- a. a housing;
- b. a display at least partially enclosed by the housing and viewable by an investor adjacent to the housing;
- c. an investor identifier at least partially enclosed within the housing and configured to receive a unique identifier from the investor;
- d. a money receiver at least partially enclosed within the housing and configured to receive and identify money to be invested; and
- e. a processor at least partially enclosed within the housing and configured to receive input from the investor representative of the investor's current preferences for investing the money, and to transmit a signal representative of the input for use in investing at least a portion of the money in association with the unique identifier received from the investor.

Claim 2. (Unchanged) The investment machine of claim 1, further comprising an investment selector interface configured to receive an investment preference from the investor and transmit the investment preference to the processor.

Claim 3. (Unchanged) The investment machine of claim 2, wherein the investment selection interface includes at least one of a touch screen display, a touch sensitive surface, and a button.

Claim 4. (Unchanged) The investment machine of claim 2, wherein the investment selector is configured to receive the investment preference from the investor at substantially the same time as the money receiver receives and identifies the money to be invested.

Claim 5. (Unchanged) The investment machine of claim 1, further comprising a network communication connection coupled to the processor, the network communication connection configured to couple the processor of the investment machine to a central processor configured to store and coordinate investments made at each of a plurality of investment machines.

Claim 6. (Unchanged) The investment machine of claim 5, wherein the network communication connection is further configured to couple the processor of the investment machine to the central processor at substantially the same time as the investor identifier receives the unique identifier from the investor.

Claim 7. (Unchanged) The investment machine of claim 1, wherein the display is configured to display at least one of investment information, advertising information, and account information.

Claim 8. (Unchanged) The investment machine of claim 7, wherein the advertising information is selected on the basis of one or more of an investor's investment activities, an investor's personal information, a location at which the investment machine is located and an identity of a sponsor of the investment machine.

Claim 9. (Unchanged) The investment machine of claim 7, wherein the advertising information is one or more of an informational presentation, a tutorial, a news story, and other information relating to a particular company or its product in which an investor may desire to invest.

Claim 10. (Unchanged) The investment machine of claim 1, wherein the money receiver is configured to receive one or more of a coin, a bill, a magnetic strip card, a bar code, a smart card and an alphanumeric code.

Claim 11. (Unchanged) The investment machine of claim 1, further comprising an investment report disburser associated with the processor and configured to disburse a report associated with the investor's unique identifier.

Claim 12. (Unchanged) A method of investing money, the method comprising:

associating a unique identifier with at least one person;

receiving money at an investment machine from the at least one person;

receiving current investment preferences through the investment machine from the at least one person; and

investing at least a portion of the money on behalf of the at least one person in accordance with the current investment preferences.

Claim 13. (Unchanged) The method of claim 12, wherein receiving money at ^{the} an investment machine comprises receiving at least one of a coin, a bill, a magnetic strip card, a bar code, a smart card and an alphanumeric code.

Claim 14. (Unchanged) The method of claim 12, wherein receiving current investment preferences through the investment machine comprises receiving at least one of an indication from the investor that an investment option provided by the processor is preferred, an investment option preselected by the investor is preferred, and an investment option provided by the investor at the time of the indication is preferred.

Claim 15. (Unchanged) A method of investing money using an investment machine, the method comprising:

inputting a unique identifier into an investment machine;

placing money to be invested into the investment machine; and

selecting a current investment preference option at the investment machine.

Claim 16. (Unchanged) The method of claim 15, further comprising receiving an investment report from the investment machine.

Claim 17. (Unchanged) The method of claim 15, wherein the money to be invested is in the form of at least one of a coin, a bill, a magnetic strip card, a bar code, a smart card and an alphanumeric code.

Claim 32. (Unchanged) A method of investing money using an investment machine, the method comprising:

inputting a unique identifier into an investment machine;

placing at least one of a coin and a bill to be invested into the investment machine; and

selecting a current investment preference option at the investment machine.

Claim 33. (Unchanged) The method of claim 32, further comprising receiving an investment report from the investment machine.

Claim 34. (Unchanged) The method of claim 32, wherein selecting a current investment preference option at the investment machine comprises providing at least one of an indication that an investment option provided by the processor is preferred and an indication that a preselected investment option is preferred.

Claim 35. (Amended) An investment machine for public use and display, the investment machine comprising:

a housing;

a display at least partially enclosed by the housing and viewable by an investor adjacent to the housing;

an investor identifier at least partially enclosed within the housing and configured to receive a unique identifier from the investor;

at least one of a coin receiver and a bill receiver at least partially enclosed within the housing and configured to receive and identify money to be invested; and

a processor at least partially enclosed within the housing and configured to receive input from the investor [identifier] indicative of the investor's current investment preferences and to transmit a signal representative of the input for use in investing at least a portion of the money in association with the unique identifier received from the investor.

Claim 36. (Unchanged) The investment machine of claim 35, further comprising an investment selector interface configured to receive an investment preference from the investor and transmit the investment preference to the processor.

Claim 37. (Unchanged) The investment machine of claim 36, wherein the investment selection interface includes at least one of a touch screen display, a touch sensitive surface, and a button.

Claim 38. (Unchanged) The investment machine of claim 36, wherein the investment selector is configured to receive the investment preference from the investor at substantially the same time as the money receiver receives and identifies the money to be invested.

Claim 39. (Unchanged) The investment machine of claim 35, further comprising a network communication connection coupled to the processor, the network communication connection configured to couple the processor of the investment machine to a central processor configured to store and coordinate investments made at each of a plurality of investment machines.

Claim 40. (Unchanged) The investment machine of claim 39, wherein the network communication connection is further configured to couple the processor of the investment machine to the central processor at substantially the same time as the investor identifier receives the unique identifier from the investor.

Claim 41. (Unchanged) The investment machine of claim 35, wherein the display is configured to display at least one of investment information, advertising information, and account information.

Claim 42. (Unchanged) The investment machine of claim 41, wherein the advertising information is selected on the basis of one or more of an investor's investment activities, an investor's personal information, a location at which the investment machine is located and an identity of a sponsor of the investment machine.

Claim 43. (Unchanged) The investment machine of claim 41, wherein the advertising information is one or more of an informational presentation, a tutorial, a news story, and other information relating to a particular company or its product in which an investor may desire to invest.

Claim 44. (Unchanged) The investment machine of claim 35, further comprising an investment report disburser associated with the processor and configured to disburse a report associated with the investor's unique identifier.